



# California Fair Political Practices Commission

December 2, 1987

Honorable Nick Kinney  
Kings County Supervisor  
1400 W. Lacey Blvd.  
Hanford, CA 93230

Re: Your Request for Advice  
Our File No. A-87-274

Dear Mr. Kinney:

We have received your letter requesting advice concerning your duties under the conflict of interest provisions of the Political Reform Act (the "Act").<sup>1/</sup>

## QUESTION

Does a campaign contribution which you received from an oil company require you to disqualify yourself from voting on an assessment appeal by the oil company which is before the county board of equalization?

## CONCLUSION

The campaign contribution is not a basis for your disqualification from the decision.

## FACTS

You received a \$250.00 campaign contribution from Beacon Oil Company when you ran for the Kings County Board of Supervisors. You were elected to the board.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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Beacon now has an assessment appeal before the Kings County Board of Equalization. The board of supervisors sits as the board of equalization.

ANALYSIS

The campaign contribution disqualification provisions of the Act are found in Section 84308. Section 84308(a)(3) provides that local government agencies whose members are directly elected by the voters are not covered by Section 84308. Regulation 18438.1 further provides:

(a) The officers of an agency exempted by Government Code Section 84308(a)(3) are exempted only when:

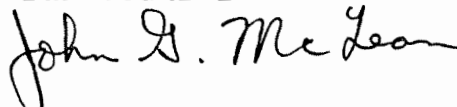
(1) They are acting as members of the governing body of the agency, and the body is acting in its entirety as itself or as the ex officio governing body of any other agency.

Thus, because the board of supervisors sits in its entirety as the board of equalization, the board of equalization is exempt from the coverage of Section 84308. Accordingly, you need not disqualify from the board of equalization's decision involving Beacon Oil.

If you have any further questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel



By: John G. McLean  
Counsel, Legal Division

DMG:JGM:mek



## NICK KINNEY

Supervisor  
District 4

BOARD OF SUPERVISORS  
Kings County Government Center  
1400 W. Lacey Boulevard  
Hanford, California 93230  
Phone (209) 582-3211 - Ext. 2367

October 27, 1987

Robert E. Leidigh, Counsel  
California Fair Political  
Practices Commission  
Legal Division  
P.O. Box 807  
Sacramento, California 95804-0807

Re: Request for Opinion on Conflict of Interest

Gentlemen:

A question has been asked whether I must disqualify myself from voting on the assessment appeal by Beacon Oil Company, Inc., which is currently scheduled before the Kings County Board of Equalization. The Board of Supervisors sits as the Kings County Board of Equalization.

I am a duly elected Supervisor of Kings County. I came onto the board on January 1, 1987. My term of office expires in January, 1991. My home address is 1044 N. Williams, Hanford, California 93230, telephone number (209) 582-7472. I may also be reached at the Kings County Government Center, Hanford, California 93230, telephone (209) 582-3211, extension 2367.

Beacon Oil has its refinery and central offices in Hanford, California. On September 15, 1987, Beacon Oil filed for an assessment appeal before the Kings County Board of Equalization. The hearing on the appeal is not currently scheduled but could be heard as early as December 1987.

I received a \$250.00 campaign contribution from Beacon Oil Company on or about October 3, 1986, when I ran for election for Kings County Board of Supervisors. The contribution was made and reported properly, in conformance with the laws governing campaign contributions.

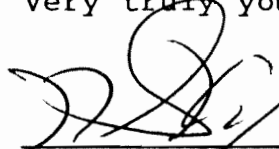
There was an assessment appeal by Beacon Oil Company pending before the Board of Equalization at the time of the campaign contribution. However, I was not then on the Board of

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Supervisors. I have no business or financial relationship of any kind with Beacon Oil Company. The question is whether this single contribution would disqualify me or limit my participation in the assessment appeal proceedings before the Kings County Board of Equalization.

I would very much appreciate an opinion on the issue raised.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Nick Kinney', is written over a horizontal line.

NICK KINNEY  
Supervisor, District IV